

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

391I0364

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1211 - 02/26/2003**

Introduced by: Representatives Bradford, Adelstein, Bartling, Elliott, Engels, Gillespie, Glenski, Hanson, Hennies, Hundstad, Hunhoff, Kroger, Lange, Miles, Nesselhuf, Olson (Mel), Peterson (Jim), Sigdestad, Valandra, and Van Norman and Senators Moore, Abdallah, and Kloucek

1 FOR AN ACT ENTITLED, An Act to allow the housing of prisoners from other jurisdictions
2 on Indian reservations under certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-11-3 be amended to read as follows:

5 24-11-3. If there is no jail or juvenile detention facility in the county, or if the jail or juvenile
6 detention facility in the county is crowded, unsafe, or otherwise insufficient to conform to the
7 requirements of this chapter, every judicial or executive officer of the county who has the power
8 to order, sentence, or deliver any person to the county jail or juvenile detention facility may
9 order, sentence, or deliver such person to the jail or juvenile detention facility of any near or
10 adjoining state, Indian reservation, county, organized township, or municipality, pursuant to a
11 written agreement to house such prisoner. The written agreement shall contain provisions
12 addressing liability issues and facility standards and shall also contain appropriate provisions
13 assuring that the agency housing the prisoner shall release the prisoner to the county from which
14 the prisoner was committed within two days of receiving a request from the committing county.



1 The county from which the prisoner was committed shall pay to the agency housing the prisoner
2 all expenses of keeping and maintaining the prisoner in the jail or juvenile detention facility,
3 including the cost of building depreciation, administration, and a reasonable charge for
4 obsolescence of the facility and all other tangible and intangible costs.